
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3463) TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS AND BY TERMINATING THE ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 527) TO AMEND CHAPTER 6 OF TITLE 5, UNITED STATES CODE (COMMONLY KNOWN AS THE REGULATORY FLEXIBILITY ACT), TO ENSURE COMPLETE ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3010) TO REFORM THE PROCESS BY WHICH FEDERAL AGENCIES ANALYZE AND FORMULATE NEW REGULATIONS AND GUIDANCE DOCUMENTS

November 29, 2011.—Referred to the House Calendar and ordered to be printed.

MR. WOODALL, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 7-3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, under a closed rule. The resolution provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides for one motion to recommit.

The resolution further provides for consideration of H.R. 527, the Regulatory Flexibility Improvements Act of 2011, under a structured rule. The resolution provides one hour of general debate with 40 minutes equally

divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of the Rules Committee Print of H.R. 527 dated November 18, 2011 and provides that it be considered as read. The rule waives all points of order against the Rules Committee Print. The resolution makes in order only those amendments to H.R. 527 printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A. The resolution provides one motion to recommit with or without instructions.

The resolution further provides for consideration of H.R. 3010, the Regulatory Accountability Act of 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill and provides that it be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution makes in order only those amendments to H.R. 3010 printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of the Rules Committee Report. The resolution provides one motion to recommit with or without instructions.

Finally, the resolution authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Friday, December 2, 2011, relating to a measure addressing railway labor.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3463, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 3463, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 527, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 527 consisting of the text of the Rules Committee Print dated November 18, 2011, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 527 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 3010, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute to H.R. 3010, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 3010 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 160

Motion by Mr. McGovern to report an open rule for H.R. 3463, H.R. 527 and H.R. 3010. Defeated: 3-7

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Mr. McGovern.....	Yea
Ms. Foxx.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Polis.....	Yea
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		

Rules Committee Record Vote No. 161

Motion by Mr. McGovern to make in order and provide the necessary waivers for amendment #1 to H.R. 3463, offered by Rep. McGovern (MA), which would end taxpayer subsidies to oil companies. Defeated: 3-7

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Mr. McGovern.....	Yea
Ms. Foxx.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Polis.....	Yea
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		

Rules Committee Record Vote No. 162

Motion by Mr. Hastings (FL) to make in order and provide the necessary waivers for amendment #7 to H.R. 3010 offered by Mr. Johnson (GA), which would create an exemption for any rule or guidance that would result in net job creation. Defeated: 3-7

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Mr. McGovern.....	Yea
Ms. Foxx.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Polis.....	Yea
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		

Rules Committee Record Vote No. 163

Motion by Ms. Foxx to report the rule. Adopted: 7-3

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Yea	Mr. McGovern.....	Nay
Ms. Foxx.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Bishop of Utah.....	Yea	Mr. Polis.....	Nay
Mr. Woodall.....	Yea		
Mr. Nugent.....	Yea		
Mr. Scott of South Carolina...	Yea		
Mr. Webster.....	Yea		

SUMMARY OF AMENDMENTS IN PART A MADE IN ORDER

1. Critz (PA): Would require the estimated cumulative impact on small businesses of any other rule stemming from the implementation of the Free Trade Agreements. (10 minutes)
2. Jackson Lee (TX): Would exempt all rules promulgated by the Department of Homeland Security. (10 minutes)
3. Cohen (TN): Would exempt from the bill any rule that relates to food safety, workplace safety, consumer products safety, air or water quality. (10 minutes)
4. Peters (MI): Would exempt from the bill all rules that OMB determines would result in net job creation. (10 minutes)
5. Jackson Lee (TX): Would require a GAO report to determine the cost of carrying out the Act and the effect it will have on federal agency rule making. In addition, the report would need to contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency. (10 minutes)
6. Johnson, Hank (GA): Would create an exception for any rule making to carry out the FDA Food Safety Modernization Act. (10 minutes)

SUMMARY OF AMENDMENTS IN PART B MADE IN ORDER

1. Moore, Gwen (WI): Would clarify that an agency shall take into account whether a problem disproportionately impacts certain vulnerable subpopulations (including veterans, low-income individuals and families, and the elderly), and whether such an impact would be mitigated by new agency action. (10 minutes)
2. Olson (TX): Would clarify that cumulative costs and benefits and estimated impacts on jobs shall include an estimate of the net gain or loss in domestic jobs. (10 minutes)
3. Jackson Lee (TX): Would clarify that the agency would retain the discretion to determine whether to provide advanced notice, not later than 90 days, of a proposed rule prior it being published in the Federal Register. (10 minutes)
4. Jackson Lee (TX): Would strike a section of the Act, which would allow any member of the public to petition for a hearing to determine whether the proposed rule fails to comply with the Information Quality Act, if the sole purpose of the petition is to unduly delay the implementation of a rule. (10 minutes)
5. Connolly (VA): Would clarify that regulations to protect public health and safety would not be blocked or repealed by H.R. 3010. (10 minutes)
6. Nadler (NY): Would exempt from the Act actions by the Nuclear Regulatory Commission under the Atomic Energy Act. (10 minutes)
7. Jackson Lee (TX): Would exempt all rules promulgated by the Department of Homeland Security. (10 minutes)

PART A—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRITZ OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527
OFFERED BY MR. CRITZ OF PENNSYLVANIA**

Page 10, line 26, insert “, or the cumulative impact
of any other rule stemming from the implementation of
the Free Trade Agreements,” before “on small entities”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527**

OFFERED BY *Jackson Lee*

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

1 SEC. 9. EXEMPTION FOR CERTAIN RULES.

2 (a) IN GENERAL.—Chapter 6 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 “§ 613. Exemption for certain rules

6 “Sections 601 through 612, as amended by the Regu-
7 latory Flexibility Improvements Act of 2011, shall not
8 apply in the case of any rule promulgated by the Depart-
9 ment of Homeland Security. The provisions of this chap-
10 ter, as in effect before the enactment of the Regulatory
11 Flexibility Improvements Act of 2011, shall continue to
12 apply, after such enactment, to any rule described in the
13 preceding sentence.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 6 of title 5, United States Code, is amended

- 1 by adding after the item relating to section 612 the fol-
2 lowing new item:

“613. Exemption for certain rules.”.

Page 24, line 13, insert after “5” the following:
“(other than rules to which section 613 of title 5 ap-
plies)”.

Page 27, lines 5 and 6, strike “The agency shall”
and insert the following:

- 3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the agency shall”.

Page 27, line 18, strike the quotation marks and
second period.

Page 27, add the following after line 18:

- 5 “(B) TREATMENT OF CERTAIN RULES.—In
6 the case of any rule promulgated by the De-
7 partment of Homeland Security, this paragraph
8 as in effect before the enactment of the Regu-
9 latory Flexibility Improvements Act of 2011,
10 shall continue to apply, after such enactment,
11 to any such rule, in lieu of subparagraph (A).”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN
OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

Cohen

AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527
OFFERED BY Mr. Cohen

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

1 SEC. 9. EXEMPTION FOR CERTAIN RULES.

2 (a) IN GENERAL.—Chapter 6 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 “§ 613. Exemption for certain rules

6 “Sections 601 through 612, as amended by the Regu-
7 latory Flexibility Improvements Act of 2011, shall not
8 apply in the case of any rule that relates to the safety
9 of food, the safety of the workplace, air quality, the safety
10 of consumer products, or water quality. The provisions of
11 this chapter, as in effect before the enactment of the Reg-
12 ulatory Flexibility Improvements Act of 2011, shall con-
13 tinue to apply, after such enactment, to any rule described
14 in the preceding sentence.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 6 of title 5, United States Code, is amended

1 by adding after the item relating to section 612 the fol-
2 lowing new item:

“613. Exemption for certain rules.”.

Page 24, line 13, insert after “5” the following:
“(other than rules to which section 613 of title 5 ap-
plies)”.

Page 27, lines 5 and 6, strike “The agency shall”
and insert the following:

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the agency shall”.

Page 27, line 18, strike the quotation marks and
second period.

Page 27, add the following after line 18:

5 “(B) TREATMENT OF CERTAIN RULES.—In
6 the case of any rule that relates to the safety
7 of food, the safety of the workplace, air quality,
8 the safety of consumer products, or water qual-
9 ity, this paragraph as in effect before the enact-
10 ment of the Regulatory Flexibility Improve-
11 ments Act of 2011, shall continue to apply,
12 after such enactment, to any such rule, in lieu
13 of subparagraph (A).”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PETERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

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**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527
OFFERED BY MR. PETERS**

Page 27, insert after line 18 the following:

1 **SEC. 12. EXCEPTION FOR CERTAIN RULES.**

2 Chapter 6 of title 5, United States Code, 212(a)(5)
3 the Small Business Regulatory Enforcement Fairness Act
4 of 1996, section 2341 of title 28, United States Code, and
5 section 2342 of such title, as amended by this Act, shall
6 not apply in the case of any proposed rule, final rule, or
7 guidance that the Director of the Office of Management
8 and Budget determines will result in net job creation.
9 Chapter 6 of title 5, United States Code, 212(a)(5) the
10 Small Business Regulatory Enforcement Fairness Act of
11 1996, section 2341 of title 28, United States Code, and
12 section 2342 of such title, as in effect before the enact-
13 ment of this Act shall apply to such proposed rules, final
14 rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after
the item relating to section 11 the following:

Sec. 12. Exception for certain rules.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527
OFFERED BY MS. JACKSON LEE OF TEXAS**

Add, at the end of the bill, the following:

1 **SEC. 12. GAO REPORT.**

2 Not later than 2 years after the date of enactment
3 of this Act, the Comptroller General shall submit to the
4 Congress a report on the cost effectiveness of the amend-
5 ments made by this Act. Such report shall include the fol-
6 lowing:

7 (1) A list of all additional costs and resources
8 that each agency will have to expend to carry out
9 this Act and the amendments made by this Act.

10 (2) The effect of this Act and the amendments
11 made by this Act on the efficiency of the rule mak-
12 ing process (including the amount of time required
13 to make and implement a new rule).

14 (3) To what extent this Act or the amendments
15 made by this Act will impact the making and imple-
16 mentation of new rules in the event of an emer-
17 gency.

18 (4) The overall effectiveness of this Act or the
19 amendments made by this Act (including the extent

- 1 to which agencies are in compliance with the Act or
- 2 the amendments to the Act).



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 527
OFFERED BY MR. JOHNSON OF GEORGIA**

Add at the end of the bill the following:

1 **SEC. 12. APPLICATION WITH REGARD TO CERTAIN STAT-**
2 **UTE.**

3 None of the amendments made by this Act shall apply
4 to any rule making to carry out the FDA Food Safety
5 Modernization Act (21 U.S.C. 2201 note).



PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MS. MOORE OF WISCONSIN**

Page 6, after line 20, insert the following and redesignate provisions accordingly:

1 “(4) Whether the problem the agency may address with agency action disproportionately impacts
2 certain vulnerable subpopulations including individuals whose income is below 200% of the poverty line,
3 individuals who are aged 65 and older, and individuals who are veterans, and whether that impact
4 would be mitigated through new agency action.”.
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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OLSON
OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MR. OLSON OF TEXAS

Page 8, line 3, insert after “estimated impacts on jobs” the following: “(including an estimate of the net gain or loss in domestic jobs)”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 8, line 19, strike "shall" and insert "may, if
the agency determines appropriate,".



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Beginning on page 14, line 22, strike all that follows through page 15, line 2, and redesignate provisions accordingly.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

6

AMENDMENT TO H.R. 3010, AS REPORTED

OFFERED BY *Mr. Connolly of Virginia*

Page 34, insert after line 19 the following, and re-designate provisions accordingly:

1 SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

2 (a) IN GENERAL.—Chapter 5 of title 5, United
3 States Code, is amended by inserting after section 553a
4 (as inserted by section 4 of this Act) the following new
5 section:

6 “§ 553b. Exemption for certain rules and guidance

7 “Sections 551, 553, 556, 701(b), 704, and 706, as
8 amended by the Regulatory Accountability Act of 2011,
9 and section 553a shall not apply in the case of any pro-
10 posed rule, final rule, or guidance that relates to the safety
11 of food, the safety of the workplace, air quality, the safety
12 of consumer products, or water quality. Sections 551, 553,
13 556, 701(b), 704, and 706, as in effect before the enact-
14 ment of the Regulatory Accountability Act of 2011, shall
15 continue to apply, after such enactment, to any such pro-
16 posed rule, final rule, or guidance, as appropriate.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 5 of title 5, United States Code, is amended

- 1 by inserting after the item relating to section 553 the fol-
- 2 lowing new item:

“553b. Exemption for certain rules and guidance.”.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NADLER OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MR. NADLER OF NEW YORK**

Page 34, insert after line 20 the following, and re-designate provisions accordingly:

1 SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

2 (a) IN GENERAL.—Chapter 5 of title 5, United
3 States Code, is amended by inserting after section 553a
4 (as inserted by section 4 of this Act) the following new
5 section:

6 “§ 553b. Exemption for certain rules and guidance

7 “Sections 551, 553, 556, 701(b), 704, and 706, as
8 amended by the Regulatory Accountability Act of 2011,
9 and section 553a shall not apply in the case of any pro-
10 posed rule, final rule, or guidance made by the Nuclear
11 Regulatory Commission under the Atomic Energy Act (42
12 U.S.C. 2011, et seq.). Sections 551, 553, 556, 701(b),
13 704, and 706, as in effect before the enactment of the
14 the Regulatory Accountability Act of 2011, shall apply to
15 such proposed rules, final rules, or guidance, as appro-
16 priate.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 5 of title 5, United States Code, is amended

- 1 by inserting after the item relating to section 553 the fol-
- 2 lowing new item:

“553b. Exemption for certain rules.’”.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 3010, AS REPORTED
OFFERED BY MS. *Tarleton Lee*

Page 34, insert after line 20 the following, and re-designate provisions accordingly:

1 **SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.**

2 (a) IN GENERAL.—Chapter 5 of title 5, United
3 States Code, is amended by inserting after section 553a
4 (as inserted by section 4 of this Act) the following new
5 section:

6 **“§ 553b. Exemption for certain rules and guidance**

7 “Sections 551, 553, 556, 701(b), 704, and 706, as
8 amended by the Regulatory Accountability Act of 2011,
9 and section 553a shall not apply in the case of any pro-
10 posed rule, final rule, or guidance made by the Secretary
11 of Homeland Security. Sections 551, 553, 556, 701(b),
12 704, and 706, as in effect before the enactment of the
13 the Regulatory Accountability Act of 2011, shall apply to
14 such proposed rules, final rules, or guidance, as appro-
15 priate.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 5 of title 5, United States Code, is amended

- 1 by inserting after the item relating to section 553 the fol-
- 2 lowing new item:

“553b. Exemption for certain rules.’”.

